HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.20014, 20015 and 20027 of 2004

Dated 22nd day of October, 2007

W.P.No.20014 of 2004

Between:

Sri Seeta Ramanjaneya Rice Paraboiled
Rice & Oil Mill rep. by its Managing Partner,
Mr.K.Pandari, Hanumannagar ..
Petitioner

And

The Chairman and Managing Director,
Central Power Distribution Company of A.P.
Limited, Red Hills, Hyderabad
and two others .. Respondents

W.P.No.20015 of 2004

Between:

M/s.Sai Shankar Industries, rep. by its
Partner, T.Ramulu, Lingampally,
Medak District ..
Petitioner

And

The Chairman and Managing Director,
Central Power Distribution Company of A.P.
Limited, Red Hills, Hyderabad
and two others .. Respondents

W.P.No.20027 of 2004

Between:

Shiva Sai Industries rep. by its
Managing Partner, Y.Vittal,
Mandapally village, Medak District ..

Petitioner

And

The Chairman and Managing Director,
Central Power Distribution Company of A.P.
Limited, Red Hills, Hyderabad
and two others .. Respondents

COMMON ORDER:

As the question of fact and law in these three writ petitions are one and the same, these matters are taken up together for disposal by this common order.

These writ petitions are filed seeking a direction to the respondents not to demand and collect M.D.S.F charges in pursuance of the bills dated 30.9.2004 issued by the 3rd respondent.

The case of the petitioners is that they are small-scale industrial units, which are consuming electricity under Category III/B, and are regularly paying electricity charges. While so, the 3rd respondent issued bills to the petitioners, which include additional amounts towards MDSF charges. When they sought for clarification about MDSF charges, the respondents did not give any proper clarification. Now, the petitioners' grievance is that though they submitted individual representations dated 27.10.2004, the respondents have not considered them so far. Further, the 2nd and 3rd respondents, without issuing notices, are trying to disconnect the petitioners' power supply and also demanding MDSF charges from them.

The 3rd respondent has filed counter affidavit wherein it is stated that as per the tariff order dated 23.3.2004 issued by the A.P. Electricity Regulatory Commission for the consumers availing supply under Category III/B, billing shall be made on the following basis:

a) The Billing shall be maximum demand recorded during the month or 80% of the contracted demand whichever is higher.

b) Energy charges will be billed on the basis of actual energy consumption or 50 units per KVA of billing demand whichever is higher.

The petitioners were issued demand notices vide letter No.AAO/ERO/Sdpt./HV-III/B/D.No.262/2004, dated 30.8.2004 for payment of shortfall amounts.

Heard Sri Shahidhar Guruvula, learned counsel for the petitioners, Sri O. Manohar Reddy, learned Standing Counsel appearing on behalf of the respondents and perused the material placed on record.

The only grievance of the petitioners is that though the demand notices were issued to them on 30.8.2004 and bills on 30.9.2004, they were not given sufficient opportunity to offer their explanation. No doubt, it is clear that the demand notices were issued on 30.8.2004, and the petitioners offered their explanation on 14.10.2004, and the position was clarified to them explaining the tariff order dated 23.3.2004 as per the objection raised by the audit department in the internal audit conducted in August, 2004. The tariff order clarifies that the billing shall not be on the basis of the actual consumption, but as per the tariff order dated 23.3.2004 for which the petitioners also accepted. Hence, this Court is of the view that the writ petitions deserve no consideration and the same are liable to be dismissed

In the result, these three writ petitions are dismissed. No costs.

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22.10.2007

bcj